

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 1-05-13769-jbr

LOUIS and MARY ANN WEIN,

Chapter 7

Debtors.
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**DECISION AND ORDER ON DECISION ON TRUSTEE’S MOTION TO
COMPROMISE CONTROVERSY AND APPLICATION FOR COMPENSATION**

WHEREAS, on March 18, 2005, Lois Wein and Mary Ann Wein (the “debtors”) filed for voluntary relief under Chapter 7 of the Bankruptcy Code; and

WHEREAS, the debtors received their discharge on July 25, 2005; and

WHEREAS, on May 8, 2009, the Chapter 7 Trustee filed a Motion to Compromise Controversy (A) Approving Personal Injury Settlement and (B) Authorizing Trustee to Pay Claim of Lienholder (Docket No. 26) (“Motion to Compromise Controversy”), and an Application for Compensation for O’Leary & Spero as Special Personal Injury Counsel to Trustee (Docket No. 27) (“Application for Compensation”); and

WHEREAS, the debtors objected to the Motion to Compromise Controversy and the Application for Compensation (Docket No. 38 and No. 39); and

WHEREAS, on June 3, 2010, July 20, 2010 and July 30, 2010, the Court held evidentiary hearings and listened to final arguments on the Trustee’s motions; and

UPON the due consideration of the arguments of counsel, the testimony of witnesses, and an examination of the papers submitted into evidence; it is hereby

ORDERED, that for the reasons set forth orally on the record on August 20, 2010, the Trustee’s Motion to Compromise Controversy (Docket No. 26) is hereby denied; and it is

ORDERED, that the Trustee's Application for Compensation (Docket No. 27) is determined to be moot; and

The Court further requests that the Administrative Judge in the New York State System restore the personal injury case to the trial list for as prompt a trial as possible.

Dated: Brooklyn, New York
August 20, 2010

s/ Joel B. Rosenthal
HON. JOEL B. ROSENTHAL
United States Bankruptcy Judge